

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**MERCY ST. VINCENT MEDICAL CENTER**

**and**

**INTERNATIONAL UNION, UNITED  
AUTOMOBILE AEROSPACE & AGRICULTURAL  
IMPLEMENT WORKERS OF AMERICA, UAW  
LOCAL 2213, RN UNIT AND LOCAL 12  
TECHNICAL AND SUPPORT UNITS**

**Cases 08-CA-128502  
08-CA-129537  
08-CA-133069  
08-CA-134215**

**ORDER TRANSFERRING PROCEEDING TO THE BOARD  
and  
NOTICE TO SHOW CAUSE**

On December 18, 2014, the Respondent filed with the Board a Motion for Partial Summary Judgment and brief in support on the ground that there are no issues of material fact in dispute that would warrant a hearing in this matter regarding 9 of the 11 social media policies and/or work rules set forth in paragraph 10(A) of the complaint, which the Respondent argues are lawful on their face and in their application.<sup>1</sup> On February 9, 2015, the General Counsel filed an opposition to the Respondent's motion arguing, inter alia, that summary judgment is inappropriate in this case because the allegations pertaining to the challenged policies and work rules "are part of a larger complaint that requires an evidentiary hearing and piecemeal litigation of this matter is neither effective nor cost-efficient." In the alternative, the General Counsel filed a cross-

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<sup>1</sup> The Respondent's motion for partial summary judgment initially sought dismissal of paragraphs 13(C) and (D) of the complaint, which allege that the Respondent unlawfully implemented a video monitoring system in bargaining unit areas and failed to bargain over the unilateral change to no longer accept emailed grievances. However, on January 30, 2015, the Respondent requested that those portions of its motion be withdrawn based on the Regional Director's decision to dismiss paragraphs 13(C) and (D) pursuant to *Collyer Insulated Wire*, 192 NLRB 837 (1971). The Respondent's request was granted by letter dated February 24, 2015 from the Executive Secretary's office.

motion for summary judgment arguing that if the Board was inclined to consider the merits of the allegations placed into issue by the Respondent's motion, the Board should grant the cross-motion for summary judgment since the policies alleged in the complaint infringe on the employees' Section 7 rights. Thereafter, the Respondent filed an opposition to the General Counsel's cross-motion for summary judgment, and the General Counsel filed a reply.<sup>2</sup> The Respondent also filed a supplemental brief on the effect of General Counsel Memorandum 15-04 on the motions for summary judgment, and the General Counsel filed an opposition to the Respondent's supplemental brief.

On July 30, 2015, the Regional Director issued an order that the hearing in the above-entitled proceeding scheduled for August 4, 2015, be postponed indefinitely. Thereafter, the Office of the Executive Secretary was advised that the parties had reached agreement on an informal Board settlement on the portions of the cases that are not the subject of the pending motions for summary judgment.

Having duly considered the matter,

**IT IS ORDERED** that the allegations placed into issue by the motions for summary judgment in above-entitled proceeding be transferred to and continued before the Board in Washington, D.C.

**NOTICE IS GIVEN** that cause be shown, in writing, filed with the Board in Washington, D.C., on or before August 25, 2015 (with affidavit of service on the parties to this proceeding), why summary judgment should not be granted based either on

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<sup>2</sup> The Respondent argues that the General Counsel's opposition to the Respondent's motion for summary judgment and the General Counsel's cross-motion for summary judgment are untimely under the NLRB's Rules and Regulations, Sec. 102.24(b), which sets forth the specific timeframe for submitting such pleadings prior to a hearing. Here, however, the hearing was postponed indefinitely prior to the submission of these pleadings, and therefore this section of the Rules does not apply.

Respondent's motion or the General Counsel's cross-motion. Any briefs or statements in support of the motion or cross-motion shall be filed by the same date.

Dated, Washington, D.C., August 11, 2015.

By direction of the Board:

Gary Shinnors

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Executive Secretary